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VIA ECF

Hon. William D. Wall, U.S.M.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

**Re: *Efrain Mendez, et al. v. U.S. Nonwovens Corp.*
12-CV-5583 (ADS)(WDW)**

Dear Judge Wall:

I represent the plaintiffs in the above referenced matter. I have received the Court's order stating that the Spanish-Translated notice not be disseminated until the matter is addressed at the upcoming conference. I write this letter for clarification as to whether the notice may be distributed in English, as the content of the English notice is not in dispute.

The defendants have refused to post the notice in English, despite the fact that the opt-in period has begun to run. I contacted Mr. Schmidt to advise him that we would, as a courtesy, have the opt-in notices delivered so that they could be posted. In Mr. Schmidt's most recent e-mail to me he responds:

Not sure why I have to keep repeating myself, but no one from your office (or your agent) is going to be allowed on to my own client's premises to deliver anything, and I will consider any attempt by you to "drop off" something at my client's place of business to be an inappropriate communication with my client if you do.

I also believe, based on the wording...of Judge Wall's Order, that I am not required to post the notices (plural) until the issue gets resolved at our conference.


I respectfully request that the Court clarify as to whether the notices may be posted in English.

As an aside, what the Defendants failed to reveal to the Court is that they did not object to our translation until two days before the mailing deadline. I came to the office this morning to find a redlined translation. Considering the fact that we have to make roughly 13,000 copies,

fold, and stuff 1,250 envelopes, and affix postage thereto, I consider Mr. Schmidt's objections entirely untimely. I let him know of the impossibility of complying with the Court's order considering his 11th hour objections.

Furthermore, my office did not translate the document. It was sent to a reputable translation company. They certified that it was a true and accurate translation, and it is.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Steven John Moser', is written over a light blue rectangular background.

Steven John Moser

CC: Michael Schmidt, Cozen O'Connor (VIA ECF)